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PATENT
Docket No. HI06036USU (P01003US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NO.:	HI06036USU (P01003USU)
APPLICANT :	Gharapetian, Ara H.
TITLE:	SYSTEM FOR TRANSMITTING CONTROL COMMANDS TO ELECTRONIC DEVICES
SERIAL NO.:	10/037,208
FILING DATE:	January 4, 2002
EXAMINER:	Thuan N. Du
GROUP ART UNIT:	2116

CERTIFICATE OF TRANSMISSION
I certify that on 1/8/10, the attached correspondence is being transmitted via facsimile to the Commissioner for Patents at (571) 273-8300.

Diane Gilden

Commissioner for Patents
Mail Stop Appeal Brief
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APPEAL BRIEF

Applicants submit this Appeal Brief in the above identified matter in support of the appeal to the Board of Patent Appeals and Interferences from the final rejections contained in the Final Office Action dated January 12, 2009 and Advisory Action dated March 20, 2009.

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I. REAL PARTY IN INTEREST

The real party in interest is Harman International Industries, Incorporated, with the assignment recorded on March 25, 2002, reel 012768, frame 0299.

II. RELATED APPEALS AND INTERFERENCES

There are no prior or pending, judicial proceedings or interferences known to the Applicants that may be related to, directly effect or be directly effected by, or have a bearing on the Board of Patent Appeals and Interference's decision in the pending appeal.

III. STATUS OF CLAIMS

This is an Appeal from the Final Office Action dated January 12, 2009 and Advisory Action dated March 20, 2009 in which each of the pending claims 1-3, 14-16, 21, 22, and 33-43 were rejected. Applicants are appealing the rejection of claims 1-3, 14-16, 21, 22, and 33-43.

IV. STATUS OF AMENDMENTS

No amendments have been filed subsequent to the mailing of the Final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A remote control capable of automatically sending signals to a variety of electronic devices so that a user does not have to send signals to each of the electronic devices individually. The remote control may include a dedicated button that when activated may send signals to a plurality of electronic devices to perform one or more operations. The remote control sends the signals simultaneously.

With regards to independent claim 1, a remote control (100 Fig. 1, [0018]), comprising:

a memory (128 Fig. 1, [0019]) pre-programmed with addresses and commands (208 Fig. 2, [0024]) for a plurality of electronic devices (102, 104, 106 Fig. 1, [0018]) for a home theatre system;

a processor (124 Fig. 1, [0019]) configured for communicating with the memory (128 Fig. 106, [0018]) to access the addresses and commands for the plurality of electronic devices (102, 104, 106 Fig. 1, [0018]), and for storing in the memory (128 Fig. 1, [0019]) a plurality of signals encoded with the respective addresses and commands;

an initiation device (126 Fig. 1, [0019]) capable of communicating with the processor (124 Fig. 1, [0019]) so that when the initiation device (126 Fig. 1, [0019]) is activated the processor (124 Fig. 1, [0019]) encodes an address and a command into a respective one of the signals for each electronic device in the plurality of electronic devices (102, 104, 106 Fig. 1, [0018]); and

a plurality of transmitters (122 Fig. 1, [0021]) capable of communicating with the processor (124 FIG. 1, [0019]) where the processor (124 FIG. 1, [0019]) directs the transmitters (122 Fig. 1, [0021]) to simultaneously and automatically send the respective signals to the plurality of electronic devices (434 Fig. 4, [0028]).

With regards to independent claim 21, a method for controlling electronic devices (102, 104, 106 Fig. 1, [0018]), comprising:

activating a dedicated button (402 Fig. 4);

cycling through a plurality of addresses in a memory to ascertain an address pre-programmed for a corresponding one of a plurality of electronic devices for a home theatre system (406 Fig. 4);

if the ascertained address is found for the corresponding electronic device in the plurality of electronic devices, then encoding the address and a command into a turn on or off signal for the corresponding electronic device (414 Fig. 4);

repeating the cycling and encoding steps for each of the plurality of electronic devices to encode a plurality of respective turn on or off signals(426 Fig. 4); and

simultaneously transmitting the respective turn on or off signals to the plurality of electronic devices via a plurality of transmitters (434 Fig. 4).

With regards to claim 37, a system for controlling a plurality of electronic devices(102, 104, 106 Fig. 1, [0018]), the system comprising:

a plurality of electronic devices (102, 104, 106 Fig. 1, [0018]) for a home theatre system where each of the plurality of electronic devices (102, 104, 106 Fig. 1, [0018]) is associated with a corresponding one of a plurality of addresses; and

a remote control (100 Fig. 1, [0018]) including:

a memory (128 Fig. 1, [0019]) pre-programmed with respective addresses and commands for the plurality of electronic devices (208 Fig. 2, [0024]);

a processor (124 Fig. 1, [0019]) configured for communicating with the memory to access the addresses and commands for the plurality of electronic devices (102, 104, 106 Fig. 1, [0018]), and for storing in the memory (128 Fig. 1, [0019]) a plurality of signals encoded with the respective addresses and commands;

an initiation device (126 Fig. 1, [0019]) capable of communicating with the processor (124 Fig. 1, [0019]) so that when the initiation device (126 Fig. 1, [0019]) is activated the processor (124 Fig. 1, [0019]) encodes an address and a command into a respective one of the signals for each electronic device in the plurality of electronic devices (102, 104, 106 Fig. 1, [0018]); and

a plurality of transmitters (122 Fig. 1, [0021]) capable of communicating with the processor where the processor directs the transmitters to simultaneously and automatically send the respective signals to the plurality of electronic devices (102, 104, 106 Fig. 1, [0018]).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether claims 1-3, 14-16, 21, 22, and 33-43 were improperly rejected under 35 U.S.C. §103(a) as being unpatentable over *Darbee et al.* (U.S. Patent No. 5,552,917) in view of *Teich et al.* (U.S. Patent No. 4,850,040).

B. Whether claims 15 and 16 were improperly rejected under 35 U.S.C. §103(a) as being unpatentable over *Darbee et al.* (U.S. Patent 5,552,917) in view of *Teich et al.* (U.S. Patent No. 4,850,040) and further in view of *Griesau et al.* (U.S. Patent No. 6,507,306).

VII. ARGUMENT

A. Claims 1-3, 14-16, 21, 22, and 33-43 were improperly rejected under 35 U.S.C. §103(a) as being unpatentable over *Darbee et al.* (U.S. Patent No. 5,552,917) in view of *Teich et al.* (U.S. Patent No. 4,850,040).

The Examiner rejected claims 1-3, 14, 21-22, and 33-43 under 35 U.S.C. §103(a) as being unpatentable over *Darbee et al.* (U.S. Patent 5,552,917, hereafter the *Darbee* patent) in view of *Teich et al.* (U.S. Patent No. 4,850,040, hereafter the *Teich* patent). On page 3, of the January 12, 2009, Final Office Action, the Examiner found that "*Darbee* does not explicitly teach the remote control comprising a plurality of transmitters capable of simultaneously send[ing] the signals." The Examiner then went on to state that; "*Teich* teaches a remote control comprising a plurality of transmitters operated simultaneously to send signals [col. 1, lines 67-68; col. 9, lines 13-17]. But, col. 1, lines 67-68; col. 9, lines 13-17 of the *Teich* patent only describes "simultaneously-operated" infrared transmitters and not simultaneously sending of different or respective signals.

Simultaneous operation is described in col. 1, line 55-col. 2, line 5, of the *Teich* patent, as:

> In accordance with the principles of our invention the console is designed to radiate commands in many directions. At least two light-emitting –diodes (LEDs) are provided. When the console is in its normal orientations, one LED is aimed backwardly at an angle toward a vertical wall disposed to the rear of the consol. Another ALED radiates forwardly. In general, the axes of these two transmitters should be separated by at least 90 degrees. In order to insure that the commands are radiated in all directions, it is also highly desirable to provide another two LEDs, both aimed forwardly and upwardly (toward the ceiling) but to opposite sides of eh console. The four transmitting devices are operated simultaneously and we have found that this arrangement provides adequate operation even if the consol is turned on its base in either direction by as much as 70 degrees, swiveling by at least 45 degrees in either direction being a practical minimum limit of user satisfaction.

Similarly, col. 9, lines 13-17, of the *Teich* patent describe only "simultaneously-operated" infrared transmitters: "An infrared remote control system for allowing a console to control the operations of a plurality of remote devices all situated in the same substantially enclosed space, comprising: a console having at least two simultaneously-operated infrared transmitters whose axes are separated by an angle of at least 90 degrees...".

What is claimed in Applicant's independent claim 1 is: "a plurality of transmitters capable of communicating with the processor where the processor directs the transmitters to simultaneously and automatically send the respective signals to the plurality of electronic devices." The transmitters are transmitting simultaneously, but they are also transmitting respective signals to the different electronic devices. This is opposed to simultaneously transmitting the same signal in different directions as described in the *Teich* patent. Thus, the *Teich* patent fails to describe the transmitting simultaneously respective signals as claimed by the Applicant.

In the Advisory Action issued by the Examiner on March 20, 2009, the Examiner further indicated that:

> In response to applicant's argument that Teich fails to describe the transmitting simultaneously respective signals, examiner agrees. However, the transmitting a plurality of respective signals to a plurality of devices was disclosed by Darbee. Teich was relied upon to disclose the capability of simultaneously transmitting a plurality of signals by a plurality of transmitters. Therefore the combination Darbee-Teich would allow the plurality of respective signals (taught by Darbee) to be simultaneously transmitted by a plurality of transmitter (taught by Teich) to a plurality of devices.

But, the Examiner already indicated on page 3, of the January 12, 2009, Final Office Action, that "*Darbee* does not explicitly teach the remote control comprising a plurality of transmitters capable of simultaneously send[ing] the signals." So, all that *Darbee* is describing is serially sending signals and not simultaneously sending of signals. That is because *Darbee* does not have a plurality of transmitter to send signals simultaneously.

Therefore, Applicant submits that claims 1-3, 14, 21-22, and 33-43 are in condition for allowance because all of the claim elements are not taught or described in the references either individually or when combined, there is no likelihood of success in combining the references, and there can be no motivation to combine the references when the combined references fail to teach or describe all of the claimed elements.

B. Claims 15 and 16 were improperly rejected under 35 U.S.C. §103(a) as being unpatentable over *Darbee et al.* (U.S. Patent 5,552,917) in view of *Teich et al.* (U.S. Patent No. 4,850,040) and further in view of *Griesau et al.* (U.S. Patent No. 6,507,306).

The Examiner rejected claims 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Darbee et al.* (U.S. Patent 5,552,917) in view of *Teich et al.* (U.S. Patent No. 4,850,040) and further in view of *Griesau et al.* (U.S. Patent No. 6,507,306).

The combined references fail to teach or describe Applicant's claim limitations for claim 15 and 16. As described previously for independent claim 1 and applied herein to claims 15 and 16, the combined references fail to teach all of the claim limitations and are thus in condition for allowance. Additionally, claim 15 and 16 are dependent claims that depend from allowable independent claim 1 and are in condition for allowance for this reason.

Therefore, Applicant submits that claims 15 and 16 are in condition for allowance because not all claim elements are taught or described by the combined reference and because they depend from an allowable independent claim.

VIII. CONCLUSION

For the reasons stated above, Applicants respectfully submit that claims 1-3, 14-16, 21, 22, and 33-43 as are in condition for allowance because not all claim elements are taught or described in the combined references, there is no likelihood of success in combining the elements to achieve the claimed invention, and there is no suggestion to combine the references when the resulting device would be missing claim elements.

Respectfully submitted,

Dated: 1/8/10

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VIII. CONCLUSION

For the reasons stated above, Applicants respectfully submit that claims 1-3, 14-16, 21, 22, and 33-43 as are in condition for allowance because not all claim elements are taught or described in the combined references, there is no likelihood of success in combining the elements to achieve the claimed invention, and there is no suggestion to combine the references when the resulting device would be missing claim elements.

Respectfully submitted,

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IX. CLAIMS – APPENDIX

1. (Previously Presented) A remote control, comprising:

a memory pre-programmed with addresses and commands for a plurality of electronic devices for a home theatre system;

a processor configured for communicating with the memory to access the addresses and commands for the plurality of electronic devices, and for storing in the memory a plurality of signals encoded with the respective addresses and commands;

an initiation device capable of communicating with the processor so that when the initiation device is activated the processor encodes an address and a command into a respective one of the signals for each electronic device in the plurality of electronic devices; and

a plurality of transmitters capable of communicating with the processor where the processor directs the transmitters to simultaneously and automatically send the respective signals to the plurality of electronic devices.

2. (Previously Presented) The remote control according to claim 1, further including an input device capable of receiving an address and a command for an electronic device from a memory storage area.

3. (Previously Presented) The remote control according to claim 1, further including an output device capable of communicating with the processor and displaying information about a status of the remote control.

4.-13. (Canceled)

14. (Previously Presented) The remote control according to claim 1, where the plurality of electronic devices includes a TV.

15. (Previously Presented) The remote control according to claim 1, where the plurality of electronic devices includes a DVD player.

16. (Previously Presented) The remote control according to claim 1, where the plurality of electronic devices includes an amplifier.

17.-20. (Canceled)

21. (Previously Presented) A method for controlling electronic devices, comprising:

activating a dedicated button;

cycling through a plurality of addresses in a memory to ascertain an address pre-programmed for a corresponding one of a plurality of electronic devices for a home theatre system;

if the ascertained address is found for the corresponding electronic device in the plurality of electronic devices, then encoding the address and a command into a turn on or off signal for the corresponding electronic device;

repeating the cycling and encoding steps for each of the plurality of electronic devices to encode a plurality of respective turn on or off signals; and

simultaneously transmitting the respective turn on or off signals to the plurality of electronic devices via a plurality of transmitters.

22. (Previously Presented) The method according to claim 21, further including:

if the address for electronic device is not available in the memory, then determining if a default address is available for the electronic device;

if a default address is available for the electronic device, then encoding the default address and a command into a signal for the electronic device; and

if a default address is not available for the electronic device, then cycling to a next electronic device in the plurality of electronic devices.

23-32. (Canceled)

33. (Previously Presented) The remote control of claim 1, where the initiation device includes a dedicated button capable of communicating with the processor so that when the dedicated button is activated the processor encodes an address and a turn on or off command into a signal for each respective electronic device.

34. (Previously Presented) The remote control of claim 1, where the initiation device includes a dedicated on button capable of communicating with the processor so that when the dedicated on button is activated the processor encodes an address and a turn on command into a signal for each respective electronic device, and a dedicated off button capable of communicating with the processor so that when the dedicated off button is activated the

processor encodes an address and a turn off command into a signal for each respective electronic device.

35. (Previously Presented) The remote control of claim 1, where the processor is further configured for:

cycling through a plurality of addresses in the memory to ascertain an address pre-programmed for a corresponding one of the plurality of electronic devices;

if the ascertained address is found for the corresponding electronic device in the plurality of electronic devices, then encoding the address and a command into a turn on or off signal for the corresponding electronic device; and

repeating the cycling and encoding steps for each of the plurality of electronic devices to encode a plurality of respective turn on or off signals.

36. (Previously Presented) The remote control of claim 35, where the processor is further configured for:

if the address for electronic device is not available in the memory, then determining if a default address is available for the electronic device;

if a default address is available for the electronic device, then encoding the default address and a command into a signal for the electronic device; and

if a default address is not available for the electronic device, then cycling to a next electronic device in the plurality of electronic devices.

37. (Previously Presented) A system for controlling a plurality of electronic devices, the system comprising:

a plurality of electronic devices for a home theatre system where each of the plurality of electronic devices is associated with a corresponding one of a plurality of addresses; and

a remote control including:

a memory pre-programmed with respective addresses and commands for the plurality of electronic devices;

a processor configured for communicating with the memory to access the addresses and commands for the plurality of electronic devices, and for storing in the memory a plurality of signals encoded with the respective addresses and commands;

an initiation device capable of communicating with the processor so that when the initiation device is activated the processor encodes an address and a command into a respective one of the signals for each electronic device in the plurality of electronic devices; and

a plurality of transmitters capable of communicating with the processor where the processor directs the transmitters to simultaneously and automatically send the respective signals to the plurality of electronic devices.

38. (Previously Presented) The system of claim 37, further including an input device capable of receiving an address and a command for an electronic device from a memory storage area.

39. (Previously Presented) The system of claim 37, further including an output device capable of communicating with the processor and displaying information about a status of the remote control.

40. (Previously Presented) The system of claim 37, where the initiation device includes a dedicated button capable of communicating with the processor so that when the dedicated button is activated the processor encodes an address and a turn on or off command into a signal for each respective electronic device.

41. (Previously Presented) The system of claim 37, where the initiation device includes a dedicated on button capable of communicating with the processor so that when the dedicated on button is activated the processor encodes an address and a turn on command into a signal for each respective electronic device, and a dedicated off button capable of communicating with the processor so that when the dedicated off button is activated the processor encodes an address and a turn off command into a signal for each respective electronic device.

42. (Previously Presented) The system of claim 37, where the processor is further configured for:

cycling through a plurality of addresses in the memory to ascertain an address pre-programmed for a corresponding one of the plurality of electronic devices;

if the ascertained address is found for the corresponding electronic device in the plurality of electronic devices, then encoding the address and a command into a turn on or off signal for the corresponding electronic device; and

repeating the cycling and encoding steps for each of the plurality of electronic devices to encode a plurality of respective turn on or off signals.

43. (Previously Presented) The system of claim 37, where the processor is further configured for:

if the address for electronic device is not available in the memory, then determining if a default address is available for the electronic device;

if a default address is available for the electronic device, then encoding the default address and a command into a signal for the electronic device; and

if a default address is not available for the electronic device, then cycling to a next electronic device in the plurality of electronic devices.

X. EVIDENCE – APPENDIX

No Evidence Appendix is included.

XI. RELATED PROCEEDINGS – APPENDIX

None.